



Agenda Item Number: 2005-6-6I

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: June 28, 2005

Department: Infrastructure Planning **Staff Contact:** Tim West, Deputy County Manager for Public Works
and Geo Resources Steve Miller, Department Director
Raymond Orona, Rights of Way Manager

TITLE: Acquisition of Property Rights for the Isleta Phase II Reconstruction Project

ACTION: Motion to approve the acquisition of Property Rights by Condemnation or Settlement Action for Right of Way on the Isleta Phase II Reconstruction Project from: 1) Autozone, a Nevada Corporation; 2) Blakely and Sons Inc.; 3) Frank and Linda Chavez; 4) Ronald J. and Bernadine E. Paiz; 5) Larry M. and Bernice S. Luna, and 6) The Estate of Rose R. Baca.

SUMMARY:

These property rights are needed as permanent and temporary rights of way for construction of the Isleta Phase II Reconstruction Project. There are partial and total land takings in these purchases consisting of 104,490 square feet or 2.3988 acres and 18,826.67 square feet or .4322 acres for temporary construction permits.

The offers to purchase were made based on fair market appraisals and due legal process have been given to all property owners. One owner has accepted the County's offer while the others have refused settlement. The Estate of Rose R. Baca will be a normal closing and the all property owners will require condemnation or settlement action. The Right of Way Section and the Real Estate Committee have considered all negotiations and recommend payment as agreed to the Estate of Rose R. Baca. In addition, necessity for condemnation action on all other owners is recognized and therefore, recommendation is made that the County proceed with condemnation or settlement action as required. The details for the appraised values of these rights-of-way are specified and enumerated in the Real Estate Committee recommendation sheets and abbreviated as follows:

1. Autozone	\$ 1,450.00
2. Blakely and Sons Inc.....	15,850.00
3. Frank and Linda Chavez.....	7,450.00
4. Ronald J. and Benadine E. Paiz.....	57,150.00
5. Larry J. and Bernice S. Luna.....	44,750.00
6. The Estate of Rose R. Baca.....	<u>270,159.00</u>
TOTAL	\$396,809.00

The County is lead agency on this project under a joint powers agreement with the New Mexico Department of Transportation. The State will reimburse the County for 85% of this condemnation action.

ATTACHMENTS:

1. Autozone
2. Blakely and Sons Inc.
3. Frank and Linda Chavez
4. Ronald J. and Bernadine E. Paiz
5. Larry M. and Bernice S. Luna
6. The Estate of Rose R. Baca

FISCAL IMPACT

Isleta Boulevard Reconstruction Project Phase II
Line Item #BC12 538052 79FF

\$ 396,809.00

STAFF ANALYSIS SUMMARY**COUNTY MANAGER**

The acquisition of these properties is for Isleta Boulevard Phase II which is expected to be under construction in August. I recommend Board approval. TL 6/21/05

DEPUTY COUNTY MANAGER FOR PUBLIC WORKS

The rights of way are required to enable Isleta Boulevard Phase II to be constructed. Negotiations with all but one owner have not been successful. Condemnation action or settlement action is necessary to finalize acquisition. I recommend approval. TW 06/17/05

LEGAL

Approved by the Real Estate Committee. Approved as to form only. Debbie S. Seligman
06/16/05

FINANCE

Budget	Funds are available and budgeted in the account listed above for the purpose of acquiring a Temporary Construction Permit and improvements from Frank & Linda Chavez;) Autozone, a Nevada Corporation; Blakely and Sons Inc., Ronald J. and Bernadine E. Paiz; Larry M. and Bernice S. Luna; and the Estate of Rose R. Baca for the Isleta Phase II Reconstruction Project. Priscilla L. Gutierrez, Budget Analyst Sr. 06/08/05
Purchasing	No comment required as the acquisition of Real Property is not covered by the provisions of the State Procurement Code per Section 13-1-30 NMSA 1978. R. Suazo, Purchasing Administrator 06/10/05
Contracts	No comment required. R. Suazo, Purchasing Administrator 06/10/05
Risk Management	No comment required. David A. Baca, Risk Management 06/20/05